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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,778

03/03/2004

Pierre Cornilleau

0513-1099

3225

466

7590

10/02/2006

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EXAMINER

ING, MATTHEW W

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/790,778

**Applicant(s)**

CORNILLEAU, PIERRE

**Examiner**

Matthew W. Ing

**Art Unit**

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3 March 2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 3 March 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "generally" in claim 12 is a relative term which renders the claim indefinite. The term "generally" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The inclusion of this relative term renders indefinite the limitation "...and extending in a generally vertical direction".

5. Regarding Claim 13, the phrase "other state" on line 3 of the claim renders the claim indefinite, since the text of the claim fails to indicate whether the word "state" referred refers to a locked state, an unlocked state, a folded state, or an unfolded state. For the purposes of examination, the examiner is interpreting this phrase to refer to folded and unfolded states.

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6. Regarding claim 15, the term “resilient return means” in line 3 lacks antecedent basis in the claim.

7. Regarding claim 17, the term “the racks” in line 4 lacks antecedent basis in the claim.

8. Claims 14, 16, 18 and 19 are considered indefinite since they depend from an indefinite base claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Cornilleau (FR 2,729,302). Cornilleau teaches a folding table comprising a support (28), two table tops (8, 10) that are movable relative to said support between a horizontal position and a vertical position (see Figure 1), each table top co-operating with the support to form a structure of configuration that is reversibly foldable between an unfolded state corresponding to the horizontal position of the table top and a folded state corresponding to the vertical position of the table top (see Figure 1), which structure includes retractable locking means (36) to lock said structure in at least said folded state (see Figure 3), wherein the foldable structure includes means (38) arranged to engage when the structure has a configuration not corresponding to at least said folded state (see Figure 3), thereby opposing reversibility in said configuration (see Figure 3).

***Allowable Subject Matter***

11. Claims 12-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

12. Applicant's arguments with respect to the drawing and specification objections and are persuasive. Accordingly, the objections to the drawings & specification have been withdrawn.

13. Applicant's arguments with respect to the 35 U.S.C. 102(b) rejection of claim 1 have been considered but are moot in view of the new grounds of rejection and the applicant's cancellation of said claim.

14. It is noted that applicant has included new independent claim 11 in place of original claim 1 (which applicant has cancelled); and that claim 11 includes the following limitation: "wherein the foldable structure includes means arranged to engage when the structure has a configuration corresponding to at least said folded state" (lines 9-12).

Whereas, as discussed above, the patent of Cornilleau (FR 2,729,302) teaches this type of structure, these claims have therefore been rejected under 35 U.S.C. 102(b) as being anticipated by Cornilleau.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blink (4,120,249) and Carlson (4,133,271) teach a structure comprising two table tops that can be moved between horizontal and vertical positions; vertical supports; a retractable locking means; and an abutment means that engages when

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the configuration of the structure comes close to a configuration corresponding to a locked state. Damour (6,321,664) teaches a folding table-tennis table that includes pull means mounted beneath the table top. Reynolds (5,531,493) and Viney (5,865,479 and 6,478,345) teach releasable locking mechanisms comprising a pull rod; a pair of rods extending in opposite directions perpendicular to the pull rod; racks on all three rods; and pinions meshing with those racks. Methven (1,108,873) teaches a strike plate comprising a pair of recesses; one forming a catch for receiving a bolt; the other comprising a wall over which a bolt can slide.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew W. Ing whose telephone number is (571) 272-

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6536. The examiner can normally be reached on Monday through Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWI

22 September 2006

  
Jose V. Chen  
Primary Examiner